

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2119

Curtis D. Glinsey,

Appellant,

v.

Marvin Morrison, Warden, FCI-
Forrest City; Jill Dubbie-Gilley,
Unit Manager, FCI-Forrest City;
Leslie Wood, Case Manager, FCI-
Forrest City; Robert E. Lee, Unit
Counselor, FCI-Forrest City; Mark
Gibson, Unit Officer, FCI-Forrest
City,

Appellees.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: October 23, 2001

Filed: October 26, 2001

Before HANSEN, FAGG, and BEAM , Circuit Judges.

PER CURIAM.

Federal inmate Curtis D. Glinsey appeals the district court's adverse grant of summary judgment in Glinsey's action against prison employees under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The

district court dismissed the action under 42 U.S.C. § 1997e(a) after Glinsey was unable to rebut the employees' showing of his failure to exhaust administrative remedies. Glinsey contends the court abused its discretion in failing earlier to screen his complaint under 28 U.S.C. § 1915A to determine whether he had exhausted his administrative remedies. Glinsey seeks, among other things, a refund of his filing fee. On careful review of the record, and based on the plain language of the statutes at issue, we affirm the district court's dismissal and reject Glinsey's arguments. Nevertheless, we modify the dismissal to be without prejudice to Glinsey's right to refile his complaint after he exhausts his administrative remedies. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.